extend the rules of liability of the owner, by statute, on the theory that the automobile is a dangerous instrumentality requiring, for the protection of the public, a high degree of care in safeguarding its use. Such efforts, however, have met with little or no success. A notable case is that of Michigan, where a statute was passed making the owner of an automobile liable absolutely for any injury caused by the negligence of the chauffeur, unless the car had been stolen. Act No. 318 (PUB. ACTS 1909), § 10. But the Supreme Court in the case of *Daugherty* v. *Thomas,* 174 Mich., 371, declared the statute void, as depriving the owner of his property without due process of law.

NEGLIGENCE—IMPUTED NEGLIGENCE OF DRIVER OF VEHICLE.—Plaintiff, an elderly man, was a voluntary passenger in a private vehicle, driven by X, which was proceeding along a highway of defendant township. The horse became frightened at some stakes left alongside the road by defendant, the road at the time being under repair, and plaintiff was thrown from the rig and seriously injured. The proof showed that the driver X was contributorily negligent and the court *held* this negligence was imputed to the plaintiff and was a bar to any recovery by him. *Lake* v. *Springville Tp.* (Mich. 1915) 153 N. W. 690

The earliest expression of judicial opinion in England on this subject is that "The passenger is so far identified with the carriage in which he is traveling that want of care on the part of the driver will be a defense for a third party whose negligence also contributed to the accident." *Thorogood* v. *Bryan,* 8 C. B. 115. This doctrine prevailed in England for a number of years, but was finally overruled in *The Bernina,* L. R. 12 P. D. 58, which now represents the English law. The doctrine of *Thorogood* v. *Bryan,* supra, has been rejected generally in this country. A leading case holds, "those on a hack do not become responsible for the negligence of the driver if they exercise no control over him further than to indicate the route they wish to travel or the places they wish to go to." *Little* v. *Hackett,* 116 U. S. 366; accord, *Carlisle* v. *Brisbane,* 4 Cent. Rep. 508, 113 Pa. 544; *Follman* v. *Mankato,* 35 Minn. 522; *Noyes* v. *Boscawen,* 64 N. H. 361; *Payne* v. *Chicago R. I. & P. R. Co.,* 39 Ia. 523; *Dean* v. *Penn Ry. Co.,* 129 Pa. 514, 6 L. R. A. 143. The Court in *Union Dac. Ry. Co.* v. *Lapsley,* 51 Fed. 174, 16 L. R. A. 800, advance a unique argument in the following statement:—"It is absurd to think that an invited guest riding in a private carriage could be held liable for the injuries inflicted on a third person by careless driving of the owner of the carriage and team, and the absurdity of this conclusion argues with almost compelling force that the negligence of such a driver cannot be imputed to the guest so as to bar his recovery when the third party inflicts, instead of receives, the injury." Wisconsin was the first to follow the doctrine of *Thorogood* v. *Bryan,* supra, in the United States. *Prideaux* v. *The City of Mineral Point,* 43 Wis. 513; *Otis* v. *Town of Janesville,* 47 Wis. 422, 2 N. W. 783. Other decisions in accord with principal case are: *Whitaker* v. *City of Helena,* 14 Mont. 124; *Mullen* v. *Owosso,* 100 Mich. 103, 23 L. R. A. 693; *Carlisle* v. *Sheldon,* 38 Vt. 440; *Colborne* v. *Detroit United Ry.,* 177 Mich. 139, 143 N. W. 32.